

NOTICES OF SUBSTANTIVE POLICY STATEMENTS

The Administrative Procedure Act requires the publication of substantive policy statements issued by agencies (A.R.S. § 41-1013(B)(14)). Substantive policy statements are written expressions which inform the general public of an agency's current approach to rule or regulation practice. Substantive policy statements are advisory only. A substantive policy statement does not include internal procedural documents that only affect the internal procedures of the agency and does not impose additional requirements or penalties on regulated parties or include confidential information or rules made in accordance with the Arizona Administrative Procedure Act. If you believe that a substantive policy statement does impose additional requirements or penalties on regulated parties you may petition the agency under A.R.S. § 41-1033 for a review of the statement.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA DEPARTMENT OF AGRICULTURE

[M12-414]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

SP 12-01 New Mexico Cattle destined for Arizona Livestock Auctions

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue Date: October 3, 2012

Effective Date: August 10, 2012

3. Summary of the contents of the substantive policy statement:

Cattle may not enter Arizona without a permit. See A.A.C. R3-2-602(A) and R3-2-604. A person may obtain a permit by contacting the State Veterinarian and complying with R3-2-607. The permit number must be written on any official documents, including the brand inspection certificate. See A.A.C. R3-2-607(D).

According to the Department's rules, imported cattle must also have an official eartag that has been applied by an accredited veterinarian. See A.A.C. R3-2-612(A)(2). The problem in portions of New Mexico, however, is the unavailability of accredited veterinarians to perform this task. As a result, the Department will still require an official eartag on all imported cattle, but will not require that an accredited veterinarian attach the eartag for New Mexico cattle going directly to auction in Arizona and will not take any action under R3-2-605 merely because the eartag was attached by someone other than an accredited veterinarian. Normally, the eartag numbers would be written on the health certificate issued by the veterinarian. See A.A.C. R3-2-606(A)(4)(a)(i). Because of the lack of veterinarians, some New Mexico cattle growers are unable to obtain health certificates. The Arizona State Veterinarian has authority to impose additional permit conditions not specifically established in rule. See A.A.C. R3-2-607(C). Accordingly, the State Veterinarian will accept the practice of writing the eartag numbers of any cattle imported under this policy on the brand inspection certificate in place of on a health certificate.

Cattle entering Arizona are also subject to certain disease testing requirements. See A.A.C. R3-2-612. Native range cattle from New Mexico do not require brucellosis testing if the owner's brand is listed on the brand inspection certificate because the New Mexico brand inspection program is approved by the Arizona State Veterinarian. See A.A.C. R3-2-612(C)(4)(b). Dairy cattle from New Mexico may be subject to brucellosis testing as described in R3-2-612(C). Native commercial cattle from New Mexico do not need tuberculosis testing if the state's accredited-free status is documented on a health certificate. See A.A.C. R3-2-612(G)(1)(b). New Mexico's accredited-free status is actually identified in federal law at 9 CFR 77.7(a), so further documentation of that fact is not necessary. Bulls generally may not enter Arizona without prior trichomoniasis testing, and the test samples must be taken by an accredited veterinarian. See A.A.C. R3-2-612(J). If a bull is being sold at auction for slaughter only, as established by the bull and the bull's paperwork being specially marked to indicate that fact, then the Department considers the bull exempt from trichomoniasis testing under R3-2-612(J)(1)(a)(ii). Cattle owners are also responsible for complying with the bovine scabies requirements in R3-2-612(I).

R3-2-611 requires transporters to possess a valid health certificate. Cattle importation under this policy is allowed using a brand inspection certificate; therefore, transporters moving cattle covered by this policy can possess the brand inspection certificate described in this policy instead of a health certificate.

This policy incorporates the following protocol established on August 10, 2012:

1. New Mexico brand inspectors will conduct their routine inspection.
2. Upon inspection, the NM brand inspector will deliver NM official ID, to be placed on the cattle prior to shipping or at the Livestock Auction Facility.

Notices of Substantive Policy Statements

3. The brand inspection certificate will contain official ID numbers listed in group lots.

4. The NM livestock owner will be responsible to contact the Arizona State Veterinarian's Office for the Arizona Entry Permit. That number will be placed on the brand inspection certificate.

In order to protect the livestock industry from disease, this policy only applies to New Mexico cattle from non-quarantined areas and that have a destination of an Arizona Livestock Auction.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.A.C. R3-2-602, R3-2-604, R3-2-605, R3-2-606, R3-2-607, R3-2-611 and R3-2-612.

5. A statement as to whether the substantive policy statement is a new statement or a revision:

New

6. The agency contact person who can answer questions about the substantive policy statement:

Name: Dr. Perry Durham

Address: 1688 W. Adams St.
Phoenix, AZ 85007

Telephone: (602) 542-4293

7. Information about where a person may obtain a copy of the substantive policy statement and the costs for obtaining the policy statement:

The substantive policy statement is available online at <http://www.azda.gov/main/policystatements.htm> or from the person listed in item #6. There is no cost for a copy of the substantive policy statement, except a requestor will need to pay for any applicable postage costs.

NOTICE OF SUBSTANTIVE POLICY STATEMENT

ARIZONA DEPARTMENT OF AGRICULTURE

[M12-415]

1. Title of the substantive policy statement and the substantive policy statement number by which the substantive policy statement is referenced:

SP 12-02 Equine Rescue Facilities Registry – Multiple Locations

2. Date the substantive policy statement was issued and the effective date of the policy statement if different from the issuance date:

Issue Date: October 18, 2012

Effective Date: July 3, 2010

3. Summary of the contents of the substantive policy statement:

"A nonprofit corporation owning multiple equine rescue facilities must file the letter and checklist described in subsection (B)(3) [of the rule] and pay the annual registration fee for each location it wants included on the registry." A.A.C. R3-2-708(E).

A facility represents a single location where horses are being cared for. Thus, a nonprofit corporation with two rescue locations has two facilities. Each facility must be registered separately as required by A.A.C. R3-2-708(E). A nonprofit corporation with two facilities may choose to register one facility, two facilities, or neither facility because the registry is voluntary. But the registration of one facility by itself does not make all of the nonprofit corporation's facilities registered.

The purpose of the registry is to list facilities where a veterinarian has verified that the facility meets minimum standards. The fact that a veterinarian may have certified that a facility owned by ABC Horse Rescue in Phoenix meets the minimum standards does not prove that ABC Horse Rescue's separate facility in Tucson also meets the minimum standards. The same principle applies to two separate facilities within the same city. Thus, if a nonprofit corporation wants to register all of its rescue facilities, it must submit a separate checklist for each facility, a separate registration fee for each facility (the fees may be combined into a single check), and a letter from a veterinarian certifying that each facility is not inadequate with respect to the minimum standards. The nonprofit corporation may submit a separate veterinarian letter for each facility or a single letter that lists the physical addresses of all the facilities that the veterinarian is certifying.

A nonprofit corporation that registers multiple facilities will receive a separate registration certificate from the Department for each facility.

This policy statement represents the view of the Department since A.A.C. R3-2-708(E) went into effect July 3, 2010.

4. Federal or state constitutional provision; federal or state statute, administrative rule, or regulation; or final court judgment that underlies the substantive policy statement:

A.R.S. § 3-1350 and A.A.C. R3-2-708.

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5. A statement as to whether the substantive policy statement is a new statement or a revision:

New

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